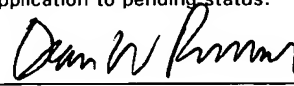


JC10 Rec'd PCT/PTO 29 APR 2005

FORM PTO-1390 (REV. 1-98)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 41577/304434
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10,506,948
INTERNATIONAL APPLICATION NO. PCT/GB03/00959	INTERNATIONAL FILING DATE 06 March 2003 (06.03.03)	PRIORITY DATE CLAIMED 09 March 2002 (09.03.02)	
TITLE OF INVENTION TREATMENT OF SURFACES POPULATED BY BACTERIA			
APPLICANT(S) FOR DO/EO/US PRITCHARD, David Idris			
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 37 (b) and PCT Articles 22 and 39(1).</li> <li>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5. <input type="checkbox"/> A copy of the International Application as published (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the published International Application into English (35 U.S.C. 371(c)(2)).</li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> A translation of the annexes of the International Preliminary Examination Report under PCT Article 36</li> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.197 and 1.98</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A FIRST preliminary amendment <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>14. <input type="checkbox"/> A substitute specification. (marked up version and clean version)</li> <li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>16. <input checked="" type="checkbox"/> Other items or information:               <ol style="list-style-type: none"> <li>a. Certification Under 37 CFR 1.10</li> </ol> <p>I hereby certify that this document is being mailed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 via "Express Mail Post Office to Addressee" on this <u>29<sup>TH</sup></u> day of <u>APRIL 2005</u> Express Mail Label No. EV461334480US <u>Angela M. Rossi</u> Angela M. Rossi</p> <ol style="list-style-type: none"> <li>b. Form PTO/SB/08 (two sheets) and 20 publications</li> <li>c. Notification of Missing Requirements</li> <li>d. Response to Notification of Missing Requirements</li> </ol> </li> </ol>			

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/506,948</b>		INTERNATIONAL APPLICATION NO. <b>PCT/GB03/00959</b>		ATTORNEY'S DOCKET NUMBER <b>41577/304434</b>	
<b>17. <input checked="" type="checkbox"/> The following fees are submitted</b> <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO      \$1,080.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO      \$920.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO      \$770.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)      \$730.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)      \$100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> \$ .00				<b>CALCULATIONS PTO USE ONLY</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ previously paid	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	18	00	X \$18.00	\$ .00	
Independent claims	08	05	X \$86.00	\$ .00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$ .00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ .00	
Reduction of 1/2 for filing by small entity, if applicable.				\$ .00	
<b>SUBTOTAL =</b>				\$ .00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ .00	
<b>TOTAL NATIONAL FEE =</b>				\$ .00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$ .00	
<b>TOTAL FEES ENCLOSED =</b>				\$ .00	
				Amount to be refunded:	
				\$	
				charged:	
				\$	
a. <input type="checkbox"/> Check in the amount of \$.00 is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 11-0855 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0855.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
Customer No. 23370 SEND ALL CORRESPONDENCE TO: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;">           John S. Pratt, Esq.            KILPATRICK STOCKTON LLP            1100 Peachtree Street, Suite 2800            Atlanta, Georgia 30309-4530         </div> <div style="width: 45%; text-align: center;">             _____            SIGNATURE            Name: Dean W. Russell            Registration No. 33,452         </div> </div>					

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

#7

In re Application of: )  
 )  
 David Idris PRITCHARD )  
 )  
 International )  
 Application No. PCT/GB03/00959 )  
 )  
 International )  
 Filing Date: 06 March 2003 (06.03.03) )  
 )  
 U.S. Serial No. 10/506,948 )  
 )  
 U.S. Filing Date: 08 September 2004 (08.09.2004) )  
 )  
 For: TREATMENT OF SURFACES )  
 POPULATED BY BACTERIA )

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Attorney Docket No. 41577/304434

**Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the  
 United States Designated/Elected Office (DO/EO/US)**

In response to the Notification of Missing Requirements, applicants submit the  
 following remarks.

**Remarks/Arguments** begin on page 2 of this paper.

**REMARKS/ARGUMENTS**

In response to the Notification of Missing Requirements under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on March 30, 2005, requesting Applicants provide a Sequence Listing pursuant 37 CFR. 1.821 – 1.825, Applicants contend that 37 CFR. 1.821 requires submission of a Sequence Listing in applications which contain an amino acid sequence of four or more amino acids or an unbranched chain of ten or more nucleotides. There are no such sequences in the immediate application. Accordingly, no Sequence Listing is being provided at this time. In the event the U.S. Patent and Trademark Office can specifically identify a sequence which is deemed to require a Sequence Listing, please provide us with information as to where in the application the sequence listing is located, and Applicants will provide a Sequence Listing at that time.

Respectfully submitted,



By: Dean W. Russell  
Reg. No. 33,452

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309  
Telephone: (404) 815-6528  
Our Docket: 41577-304434



UNITED STATES PATENT AND TRADEMARK OFFICE

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29 APR 2005

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/506,948	David Idris Pritchard	41577/304434

INTERNATIONAL APPLICATION NO.	
PCT/GB03/00959	
IA. FILING DATE	PRIORITY DATE
03/06/2003	03/09/2002

23370  
 JOHN S. PRATT, ESQ  
 KILPATRICK STOCKTON, LLP  
 1100 PEACHTREE STREET  
 ATLANTA, GA 30309

CONFIRMATION NO. 8855

371 FORMALITIES LETTER



\*OC000000015597403\*

Date Mailed: 03/30/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/08/2004
- Copy of the International Search Report filed on 09/08/2004
- Copy of IPE Report filed on 09/08/2004
- Preliminary Amendments filed on 09/08/2004
- Information Disclosure Statements filed on 12/06/2004
- Oath or Declaration filed on 09/08/2004
- U.S. Basic National Fees filed on 09/08/2004
- Priority Documents filed on 09/08/2004
- Power of Attorney filed on 09/08/2004

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KS Docketing

APR 05 2005

Docketed for: 4-30-05  
 Entered on: 4-6-05 DOCKETING  
 Initials: WTT  
 Previously Entered: \_\_\_\_\_

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c) and PCT Rule 5.2(a).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by

37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/506,948	PCT/GB03/00959	41577/304434